

In the Matter of the Termination of Electric Service where Life Support Equipment is Used: Omar and Linda Toles)
)
) DOCKET NO. 08-035-11
) REPORT AND ORDER
)

1. Respondent shall make monthly payments to Petitioner, on or before the due date of each statement for services rendered by Petitioner, each such payment to be in the amount of:

(a) the current charges for electric service to Respondent's residence on an equal time payment plan, estimated to be approximately \$98.00 per month, plus (b) \$54.00 per month, which equals approximately one twenty-fourth (1/24) of the outstanding balance for prior service provided to Respondent's residence, until the outstanding balance is fully paid. The first of these payments is to be made no later than March 21, 2008. The parties understand and agree Respondent's

monthly payment obligation under this plan may change during the life of the plan as Petitioner periodically adjusts Respondent's equal time payment amount based on Respondent's metered electricity use.

2. Respondent is directed to pursue assistance from the HEAT program, Red Cross, and other available assistance programs. If lump sum payments are made to Petitioner from any assistance program, these payments shall be applied to the then-outstanding arrearage and will not affect the monthly payment amounts specified in Paragraph 1.

3. Petitioner agrees and is ordered to waive all interest accruing on Respondent's account going forward from the date of this Order so long as Respondent continues to comply with all other terms of this Order.

4. If Respondent fails to make any payment in the full amount specified in Paragraph 1 on or before the due date, Petitioner shall have the right to disconnect service to Respondent's residence in accordance with Petitioner's regulations and tariff provisions and the applicable rules and regulations of the Commission, without seeking further approval from the Commission, notwithstanding the fact that a resident at Respondent's residence may be using life-support equipment.

5. At least 48 hours prior to terminating said service, Petitioner shall notify the appropriate Utah State social services agencies of this Order and the pending termination.

6. Petitioner's authorization to disconnect service at Respondent's residence in accordance with this Order shall terminate upon Respondent's payment in full of all arrears on Respondent's account. Any further authorization to disconnect said service would require another order from this Commission.

Pursuant to *Utah Code Annotated* §§ 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of *Utah Code Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 27th day of February, 2008.

/s/ Steven F. Goodwill
Administrative Law Judge

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Approved and Confirmed this 27th day of February, 2008, as the Report and Order
of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#56375